

REMARKS/ARGUMENTS

Specification

In his examination report, the specification was objected by the Examiner because it contained an informality, namely a typographical error in line 28 of page 6. The Applicant is therefore submitting amended paragraph [0037] wherein the informality has been duly corrected.

Moreover, in his examination report, the Examiner has objected the drawings and/or the specification because reference signs appeared in the drawings and not in the specification and vice versa. The Applicant is thereby submitting amended paragraph [0038], wherein the reference sign 129 has been removed, and amended paragraph [0049], wherein the reference sign 220 has been added.

Also, the Applicant has amended [0012] to further specify that the guide horn reinforcement could be made of sheet-like plate. This amendment is supported by Figs. 1 and 3.

Paragraph [0013] has also been amended to further recite more precisely the location of the stabilizing portion of the guide horn reinforcement with respect to the tensile cords.

Finally, paragraphs [0001], [0005]-[0014], [0016], [0019], [0020], [0023]-[0029], [0033]-[0035], [0037] and [0040]-[0054] have been amended to replace the term “lug” or “guide lug” by “horn” or “guide horn”. The amendments concerning the term replacement is supported by the fact that these kinds of guiding structures are known in the art (see U.S. Pat. Application No. 09/984,307, also assigned to Soucy International Inc. and publicly available since 2003).

Claim status

Claims 1-20 are pending in the application.

Claims 3, 11 and 16-19 have been previously withdrawn.

Claims 1-2, 4-9, 13-15 and 20 remain in the application.

Claims 1, 2, 8, 9, 13 and 20 are currently amended.

Claims 10 and 12 are currently cancelled.

Claims 4-7 and 14-15 are as previously presented.

Claim 21 is new.

No new matter has been added.

Claims Objections

Claim 1 was objected because it contained an informality, namely that the term “into” should have been use instead on the term “in”. The Applicant has amended claim 1 to correct the informality. No new matter was added.

Claims Rejections – 35 USC § 112

The Examiner has rejected claims 2, 8-9 and 20 under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Concerning claim 2, the Applicant has amended the claim to further define the position of the stabilizing portions with respect to the inner surface and the main tensile cords. The Applicant respectfully believes that claim 2 is now clear.

Concerning claim 8, the Applicant wishes to state that a claim should be read with the specification in mind. In the present case, the Applicant has clearly shown, in the specification and the drawings (particularly in Figs. 1 and 3, elements 163 and 164) what he meant by

“embossing”. For the Applicant and in the current application, an embossing is local deformation, concave or convex, of an otherwise planar area. The Applicant respectfully believes that the term and concept of embossing, as disclosed and explained in the specification, are clear for a person skilled in the art. In any case, the Applicant has amended claim 8 to further recite that “said laterally extending structure is a local embossing in said planar area of said reinforcing portion”. The Applicant respectfully believes that claim 8 is now clear.

Concerning claim 9, the Applicant has amended claim 1 to further recite that the main body “extends longitudinally”. The Applicant has also amended claim 9 to further recite that “said stabilizing portion is longitudinally extending with respect to said band body”. The Applicant believes that it is now clear to what element the stabilizing portion is longitudinally extending. The Applicant respectfully believes that claim 9 is now clear.

Concerning claim 20, the Applicant has amended claim 20 to recite that “the surface of said road wheels which faces said inner surface is substantially vertically in line with said stabilizing portion”. The Applicant respectfully believes that claim 20 is now clear.

No new matter was added.

Claims Rejections – 35 USC § 102

The Examiner has rejected claims 1-2, 4-10, 13-14 and 20 under 35 USC § 102(b) as being anticipated by the US patent no. 6,176,557, granted to Yoshihiko Ono (hereinafter “Ono”).

The Applicant understands that, as currently written, claims 1-2, 4-10, 13-14 and 20 could be seen as anticipated by Ono. However, the Applicant respectfully believes that the lug reinforcement of Ono is patently distinct from the Applicant’s lug reinforcement.

Firstly, as recited in the specification (page 3, lines 19-25 (now paragraph [0012])) and as shown in Figs. 1-3 (particularly in Figs. 1 and 3), the lug reinforcement of the applicant is made out of flat material such as sheet metal (also cords, rods or fabric). These kinds of material are generally adapted to bend and partially yield under stress. Also, these materials are generally resilient in nature.

In the case of Ono, he refers to his lug reinforcement as core metals and Fig. 14 clearly shows a thick and bulky lug reinforcement. The lug reinforcement of Ono is clearly a solid piece of metal. Thus, the lug reinforcement of Ono is clearly not adapted to bend under stress as compared to the lug reinforcement of the Applicant.

Therefore, from an analysis of the shape and construction of the lug reinforcement of the Applicant and the lug reinforcement of Ono, there are clear distinction as to the intended use.

In fact, and this is the second point, the lug reinforcements of Ono are adapted and designed to reinforce the driving lugs of a traction band. In fact, Ono states himself, in his abstract:

“... a pair of horns which protrude from each core metal towards the inner side of the rubber crawler and which have shape longer in said transverse direction than said longitudinal direction; and rubber members which cover sides of said horn in said longitudinal direction. The paired horns and the associated rubber members form a pair of driving protrusions. A sprocket of a driving wheel is inserted between the driving protrusions and is engaged with the protrusions via driving pins for transferring driving force to the rubber crawler.” (emphasis added)

In the case of the Applicant's lug reinforcements, they are adapted to reinforce the guide lugs or guide horns of the inner surface of the track. The lug reinforcements of the Applicant are used to prevent lateral deflection of the guide lugs and thus to prevent detracking of the track under heavy lateral strain. In page 4, lines 11-15 (now paragraph [0016]), the Applicant clearly defines the intended use of the (guide) lug reinforcement:

“Lug reinforcements help to laterally stabilize the wheels/traction band assembly as the traction band rotates. The **guide** lugs lateral deformation by the wheels is reduced and preferably prevented by the lug reinforcements which provide a rigid lateral support. The reinforced members, with their vertically inclined planar areas, first support and then redirect the misaligned wheels toward their usual operating position.” (emphasis added)

This is definitely not the case for Ono as seen in Fig. 9 of Ono wherein his metal-rubber protrusions contact and mate with the pins of the sprocket wheel. To further distinguish himself from Ono, the Applicant is respectfully submitting amended claim 1 wherein the term “lug” has been replaced by “guide horn”. The term “guide horn” shall also replace the term “lug”, where appropriate, in the specification. Moreover, the Applicant has added a whereby clause to claim 1 which recites that : “said guide horn reinforcements reduce lateral deflection of said guide horns”.

Ono clearly does not use or disclose guide horns and moreover, as shown in Fig. 1 of Ono’s patent, the lug reinforcements 12 are clearly not adapted to absorb and reduce lateral deflection.

The amendments concerning the term replacement is supported by the fact that these kinds of guiding structures are known in the art (see U.S. Pat. Application No. 09/984,307, also assigned to Soucy International Inc. and publicly available since 2003).

From the foregoing, the Applicant respectfully believes that independent claim 1 and dependent claims 2, 4-10, 13-14 and 20 are now fully patentable over the prior art.

Claims Rejections – 35 USC § 103

Claim 15

The Examiner has rejected claims 15 under 35 USC § 103(a) as being obvious over Ono and the general knowledge.

More particularly, the Examiner has rejected claim 15 because he believes that metal can be replaced by plastic having similar properties.

First, since claim 15 depends on claim 1 and since claim 1 is now believed to be patentable in view of Ono, the Applicant respectfully believes that claim 15 should now also be patentable.

In any case, even if in some cases, replacing metal with plastic can be contemplated, this is not always so. In the case of Ono, replacing the core metals with core plastics would probably have important consequences on the rigidity of the protrusions which are mainly used to mate with a sprocket wheel and thus, supposed to sustain important stress. Therefore, from the intended use of Ono's reinforcement, the Applicant respectfully believes that using plastic instead of metal is not obvious.

Moreover, due to the conceptual difference between the reinforcements of the Applicant and the reinforcements of Ono, it is not obvious that the material used (or not used) for Ono's reinforcement could be used for the Applicant's invention.

Therefore, it is respectfully believed that claim 15 is fully patentable.

Claim 12

The Examiner has rejected claim 12 under 35 USC § 103(a) as being obvious over Ono and in view of the U.S. Patent No. 6,793,296, granted to Deland et al. (hereinafter "Deland").

The Applicant respectfully cancels claim 12 without prejudice.

New claim

The Applicant is also respectfully submitting new claim 21, similar to claim 1 but which further recites the limitations that the guide horn reinforcement are made of rigid sheet-like plate. New claim 21 is fully supported by the specification. No new matter was added.

Abstract

The abstract has been amended to replace the terms “lug” and “guide lug” by “horn” and “guide horn” where appropriated. No new matter was added.

Drawings

In his examination report, the Examiner has objected the drawings and/or the specification because reference signs appeared in the drawings and not in the specification and vice versa.

More particularly, reference signs 129 and 460 were cited in the specification but were not shown in the drawings. Therefore, the Applicant has removed reference sign 129 from the specification and has added reference sign 460 in Fig. 10.

Also, reference sign 220 was shown in Fig. 8 but was not cited in the specification. The Applicant has amended the specification to add reference sign 220 which indicates the traction band in Fig. 8.

The drawings are now believed to be compliant with 37 CFR § 1.84(p)(5). No new matter was added.

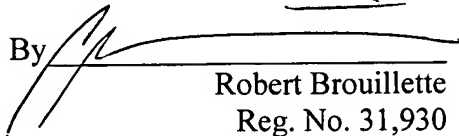
Application No. 10/791,571
Amendment dated February 13, 2006
Reply to Office action of December 5, 2005

Considering the above arguments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case for all pending claims.

Respectfully submitted,

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Encl: Marked-up Figure 10 showing changes;
Replacement Figure 10.

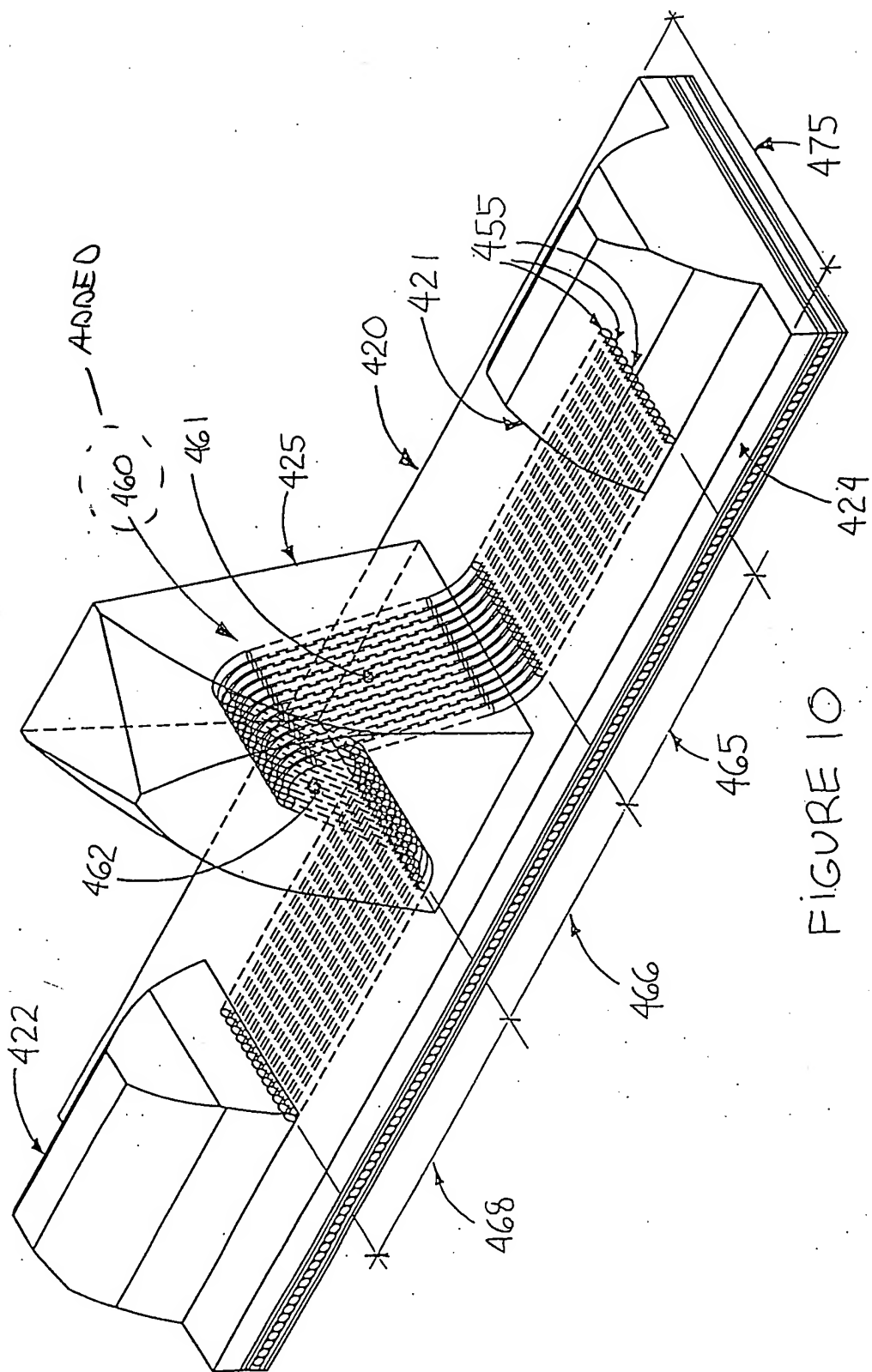


FIGURE 10